

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	8:05CR59
vs.	)	
	)	ORDER
ERIC U. McPHERSON,	)	
	)	
Defendant.	)	

Defendant Eric McPherson (McPherson) appeared before the court on February 1, 2008, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 49). McPherson was represented by Assistant Federal Public Defender Jessica P. Douglas and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through his counsel, McPherson waived a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find there is probable cause that McPherson has violated the conditions of his supervised release as alleged, and McPherson should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, McPherson declined to present any evidence or request a detention hearing. McPherson did request to revisit the matter of detention following a substance abuse evaluation. Since it is McPherson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. McPherson will be detained pending a dispositional hearing before Chief Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on March 4, 2008**. Defendant must be present in person.
2. Defendant Eric McPherson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 1st day of February, 2008.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge